FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

A**PPEAL FROM ORDER ST.NO.5442 OF 2001**

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA, J.

DATED: 25th February, 2005.

P.C.:

1. By a separate order passed on Civil Application No.586 of 2003, delay in preferring appeal has been condoned. The learned Counsel for the Appellant states that he has no instruction to argue the Appeal. The Appeal is filed in the year 2001. Advocate appearing for the Appellant has not taken discharge.

2. The order impugned is dated 18th July,2000 by which the learned Trial Judge dismissed Notice of Motion taken out by the Appellant. The said Notice of Motion was taken out by the Appellant/defendant for setting aside the Order dated 27th

September, 1999 passed on Notice of Motion No. 1346 of 1999. By the said order dated 27th September, 1999, Interim injunction has been granted in favour of the Respondent/Plaintiff in the suit of the year 1998. The interim order is thus, operating from 27th September, 1999. Written Statement is already filed by the Appellants/defendants. The suit is pending for settlement of issues.

3. The Interim order which is operating for last more than 5 years can not be set aside when the suit is fixed for framing of issues.

4. Hence, there is no merit in the Appeal. Appeal is dismissed with no order as to costs.

5. Hearing of the suit is expedited.

JUDGE